



2872\$

Application No. 09/613,742
Attorney Docket No. 046601-5053

Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Masayoshi OKURA, et al.)
Application No.: 09/613,742)
Filed: July 11, 2000)
For: ROTARY DEFLECTOR, OPTICAL)
SCANNING UNIT AND IMAGE)
FORMING APPARATUS)

Group Art Unit: 2872
Examiner: J. PHAN

Election
Opt 3ms
J. Pham
2/2/02
RECEIVED
FEB - 8 2002
TECHNOLOGY CENTER 2800

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO SPECIES ELECTION REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Species Election Requirement mailed October 2, 2001 (paper no. 4). Filed concurrently is a Petition for three-month extension of time, whereby response is due February 4, 2002 (please note that February 2, 2002 was a Saturday).
2. Additional papers enclosed.
 - ☐ Supplemental Information Disclosure Statement
 - ☐ Form PTO-1449, _ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

02/06/2002 MABDI1 00000120 500310 09613742

01 FC:117 920.00 CH

3. **EXTENSION OF TIME**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00
<input type="checkbox"/> five months	\$1,850.00	\$925.00

Extension of time fee due with this request: **\$ 870.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for ___ months has already been secured and the fee paid therefor of \$___ is deducted from the total fee due for the total months of extension now requested.

4. **Constructive Petition**

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	12	minus	12	0	<u>0</u> x \$18 each=	+ \$0.00
Independent Claims	03	minus	03	0	<u>0</u> x \$84 each=	+ \$0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)				1	\$270.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by 1/2 for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

☐ No fee is to be paid at this time.

☒ Please charge Deposit Account 50-0310 in the amount of \$870.00 for the three-month extension fee.

☒ **The Commissioner is hereby authorized to charge any fees including fees due under 37 CFR § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.**

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

K. Karen Loewenstein
Registration No. 41,161

Dated: February 4, 2002

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
202-739-3000